

### **REMARKS**

Applicants note that the Office Action states that claims 1-20 are pending. In fact, claims 1-11 were canceled upon the filing of the application. Specifically, Item 11 in Applicants request for filing of the divisional application requested cancellation without prejudice of these claims. Therefore, only claims 12-20 were pending at the time of the Office Action. Attached hereto is a marked-up version of the changes made to the claims by the current amendment entitled "Version With Markings to Show Changes Made."

### **Election/Restrictions**

The Examiner has restricted the application to claims 1-11 as drawn to an apparatus for cleaning a nuclear fuel assembly (Group I) and to claims 12-20 as directed to a method of cleaning a nuclear fuel assembly (Group II). The Examiner has identified claims 1 and 12 as generic to Group I and II, respectively. With an elected group, the Examiner also requires an election of species to one of the embodiments identified in Figs. 1, 7, 8a and 8b, 9 and 10-12 (i.e., Species A-E, respectively).

As noted above, Applicants had previously canceled claims 1-11, leaving claims 12-20 as pending. As Applicants, however, desire to prosecute apparatus claims, the Examiner indicated in a telephone conversation on February 20, 2003 that Applicants could cancel claims 12-20 directed to a method and submit new claims directed to an apparatus. The Examiner also indicated that Applicants should respond to the restriction requirement by essentially electing to prosecute apparatus claims and by making an election of species as required by the restriction requirement. Therefore, with this Amendment and Response, Applicants have canceled claims 12-20 without prejudice and have submitted new claims 21-28 directed to an apparatus.

To be responsive to the restriction requirement, Applicants hereby elect to prosecute apparatus claims 21-28 and elect, with traverse Species E. Applicants submit that claims 21 and 22 are generic claims to Species A, B, C, D, and E, identified in Figs. 1, 7, 8a and 8b, 9 and 10-12 and that claims 21-24 are generic to Species A, B, D, and E, identified in Figs. 1, 7, 9 and 10-12. Applicants submit that claims 21-28 each read on Species E. Applicants note that upon the allowance of a generic claim that Applicants are entitled to claim in one application a reasonable number of species written in

dependent form or that otherwise include all of the limitations of the allowed generic claim. *See* 37 C.F.R. § 1.141(a). As such, Applicants reserve the right to submit claims directed to non-elected species upon the allowance of any generic claim.

Applicants traverse the restriction requirement (i.e., the election of species) on the basis that the Examiner has not made the requisite showing of a serious burden on the Examiner. First, the parent application was only restricted between method and apparatus claims and no election of species was required. Therefore, the Examiner in the parent application must not have considered it to be a serious burden to examine the claims directed to either a method or apparatus regardless of the species disclosed in the application. Second, Applicants submit that it would not be an undue burden on the Examiner to search and examine the present claims as they relate to Species A-E. As such, Applicants respectfully request withdraw of this requirement.

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Claims:**

Claims 12-20 have been canceled without prejudice.

Claims 21-28 have been added as follows:

21. (New) An apparatus for cleaning an irradiated nuclear fuel assembly, comprising:  
a housing configured to receive an irradiated nuclear fuel assembly and having an outside surface,  
a plurality of ultrasonic transducers that each produce omnidirectional ultrasonic energy waves and positioned on said outside surface of said housing.
22. (New) The apparatus of claim 21, wherein said housing is configured to receive an irradiated nuclear fuel assembly comprising an array of cylindrical rods.
23. (New) The apparatus of claim 21, wherein said housing further comprises a base plate to secure said housing to a floor of a fuel pool.
24. (New) The apparatus of claim 21, wherein said housing comprises an elongated structure and wherein said plurality of ultrasonic transducers is positioned along an entire length of said elongated structure.
25. (New) The apparatus of claim 21, wherein each of said ultrasonic transducers comprises an elongated rod having a first end and a second end; a first transducer at said first end; and a second transducer at said second end;  
wherein said housing comprises an elongated structure that extends in a predetermined direction; and  
wherein each of said elongated rods is positioned substantially parallel to said predetermined direction.

26. (New) The apparatus of claim 25, wherein said plurality of ultrasonic transducers is positioned along an entire length of said elongated structure.

27. (New) The apparatus of claim 21, wherein said housing comprises an elongated, rectangular structure having four sides and wherein said plurality of ultrasonic transducers is positioned on each of said four sides.

28. (New) The apparatus of claim 27 wherein each of said ultrasonic transducers comprises an elongated rod having a first end and a second end; a first transducer at said first end; and a second transducer at said second end; and wherein each of said elongated rods is positioned substantially parallel to a direction of elongation of said elongated, rectangular structure.